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S E C R E T SECTION 01 OF 04 BAGHDAD 003031

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E.O. 12958: DECL: 09/20/2018
TAGS: [PGOV](#) [PREL](#) [MOPS](#) [MARR](#) [PTER](#) [ENGR](#) [EPET](#) [IZ](#)
SUBJECT: AMB, CG AND PM DISCUSS SOFA, SOI, AMBASSADOR'S
TRIP TO ERBIL, GOI/KRG RELATIONS AND ELECTIONS LAW.

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Classified By: Abassador Ryan C. Crocker for reasons 1.4 (b) and (d)

11. (S/NF) SUMMARY: In the regular weekly meeting held on 18 September 2008, Iraqi Prime Minister Nuri al-Maliki, Ambassador and Commanding General (CG) MNF-I General Raymond Odierno discussed the Status of Forces Agreement (SOFA), Sons of Iraq (SOI), the Ambassador's trip to KRG and relations between the KRG and GOI, and the Elections Law. General Odierno pressed Maliki on the issue of the SOFA, stating that U.S. troops would be forced to withdraw from Iraq in the absence of a suitable agreement. PM Maliki, in response to General Odierno's personal concern for the SOI program, remarked that the issue was "being solved." The Ambassador reported he had stressed to the KRG leadership during his recent visit to Erbil that Kurdish interests are best served in Baghdad by means of "serious negotiations and policy discussions," as part of a vision of a unified Iraq. The Ambassador commented that there was a "significant lack of understanding among Iraqi principal leaders about the shape and direction of the future of Iraq." The Ambassador noted that Kurdish leaders in Erbil had agreed to United Nations Assistance Mission Iraq (UNAMI) compromise for paragraph 24 of the elections law; however, it had failed to pass in Parliament because Kurds would not support an Arab and Turkmen amendment to the UNAMI compromise. The Ambassador emphasized the importance of passing an elections law and concluded that the issue of Kirkuk should be treated separately, so as to not jeopardize elections. End summary.

12. (S/NF) PM Maliki opened by congratulating General Odierno on his promotion and position as Commanding General Multi-National Force-Iraq. General Odierno replied that it was his honor to return to Iraq and that his primary goal was for the Government of Iraq (GOI) to achieve full sovereignty and to take full control of Iraq. The CG said that he would do whatever he could to assist in this process, as it was very important to him personally.

13. (S/NF) General Odierno told Maliki that he had met with his command in Iraq and had informed them that the progress that was being made was an "evolution toward full sovereignty in Iraq and that we must respect that sovereignty." CG also remarked to his command that "we must reduce our visibility," while continuing to support Iraq - only in a different way. PM Maliki replied that he was very pleased with the message the CG had delivered to his troops.

STATUS OF FORCES AGREEMENT

14. (S/NF) General Odierno told PM Maliki that the Status of

Forces Agreement (SOFA) was his number one priority. General Odierno noted that it was "absolutely necessary to have a legal framework" for the continued presence of American troops in Iraq, beyond the expiration of the United Nations Security Council Resolution 1790(UNSCR).

15. (S/NF) General Odierno reported to Maliki that he had heard rumors that the U.S. would stay without a SOFA. He categorically denied this and stated, unequivocally, that the U.S. would not remain in Iraq without either an acceptable SOFA or an extension of UNSCR. General Odierno noted that an extension of UNSCR was very unlikely due to the situation in the UNSC and relations with Russia. The CG remarked that he understood well the political difficulties Maliki faced with regard to the SOFA, but urged him to find a resolution.

16. (S/NF) PM Maliki said the he had asked both Secretary of Defense Gates and CJCS Admiral Mullen if there was any alternative or "plan B" to a SOFA. Both had stated emphatically that there was no alternative. General Odierno and the Ambassador interjected that it was absolutely clear that there was no alternative to an agreement to allow U.S. forces to remain in Iraq. General Odierno emphasized that "plan B" would constitute planning for the immediate withdrawal of U.S. forces from Iraq, should a SOFA not be reached. The PM said that he hoped that "plan B" would not be the plan of action. General Odierno responded that he was holding off on "plan B" for now but at some point he would have to start determining what to do if there was no agreement.

17. (S/NF) PM Maliki commented that the period during which Washington had been considering the draft text had allowed leaks to the press of supposed drafts of the SOFA and that

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now a "political counter-movement" had formed in opposition. Maliki noted that opposition to the SOFA included interference from Iran and Syria. Additionally, Maliki stated that he didn't understand why U.S. Allies in the Arab world such as Saudi Arabia, did not openly support the SOFA.

18. (S/NF) PM Maliki said that he hoped the SOFA delegation would return soon and that an agreement could be reached to ensure the vital continued U.S. presence in Iraq. He commented that the SOFA agreement had come at a particularly sensitive time for both the U.S. and Iraq, as both were in the middle of elections - noting that the SOFA was politically difficult in both the U.S. and in Iraq. The Ambassador responded that he believed the SOFA delegation would conclude its process by 22 September and that he hoped to have a draft text immediately thereafter to present to the PM.

SONS OF IRAQ

19. (S/NF) Switching topics, General Odierno informed the PM that the Sons of Iraq program was also of great personal interest to him. General Odierno offered to provide Maliki with any assistance necessary as the GOI continued to implement the integration process. Maliki stated that SOI problem was "being solved," noting General Odierno's positive work on the issue during his previous tenure in Iraq. Maliki stated that his primary concern was over the use of fake or "ghost" names by SOI members, noting that they had discovered a number of such persons on the lists provided by the SOI. General Odierno remarked that much work had been done to make sure the information was accurate.

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AMBASSADOR'S TRIP TO KRG AND GOI/KRG RELATIONS

¶10. (S/NF) PM Maliki asked the Ambassador about his trip to Erbil. Ambassador replied that it was good and that President Barzani et al. had relayed their respect and regards to the PM. The Ambassador noted that he had met not only with President Barzani but with senior leaders of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK). The Ambassador remarked that he had discussed current tensions between the KRG and GOI and told Kurdish leaders that it was "absolutely vital" that the Kurds not do anything to jeopardize the progress that had been achieved in Iraq. The Ambassador further noted that five and one half years after the fall of the former regime there was still "a significant lack of understanding among Iraqi principal leaders about the shape and direction of the future of Iraq." PM Maliki agreed with Ambassador.

¶11. (S/NF) The Ambassador also commented on the fundamental lack of trust between the leaders of the different groups in Iraq. The Ambassador told the Kurds that they had to be much more engaged in the central government in Baghdad. He emphasized that he was not talking about the ordinary business of government representatives serving in Baghdad, e.g. Ministers. Rather, he was referring to the need for "serious negotiations and policy discussions" on education, health, transportation and oil - oil being of particular importance, as part of a vision of a unified Iraq. The Ambassador stated that this should be based on the convictions that 1) everyone needs to move forward together; 2) gains can not be put at risk; and 3) the Constitution must be at the center of these issues. He remarked that he emphasized the last point to the Kurds - that the Constitution had to be respected.

¶12. (S/NF) The Ambassador said he had told the Kurds that Kurdish interests over the long term are better defended in Baghdad than in Khanaqin or Kirkuk. The Ambassador noted that the response from the KRG was good, although there was a great deal of doubt and mistrust. Barzani had acknowledged that the KRG must engage in Baghdad and said that Talabani would do so upon his return from the U.S. PM Maliki commented that the Ambassador's message to the Kurds contained very important political underpinnings - namely that Kurdish interests were best served in Baghdad and remarked that the Kurds had a strong political base in Baghdad.

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¶13. (S/NF) PM Maliki enumerated what he perceived to be the three principal issues with the Kurds. First, the GOI and KRG did not agree on the political shape of a new Iraq. He said that Iraq is supposed to be federal state, but the Kurds actions do not support a federal system. Maliki complained that the Kurds have their own understanding of many such issues. He noted that many other groups in Iraq also maintained their own perceptions of the shape of the new government. Maliki commented that the authorities of the central government and the authorities of the KRG were the other significant issues of disagreement. Maliki said that solutions to these problems can be found in the Constitution. The "problem with the Kurds," he said, was that they said they supported the Constitution but were selective - taking what they wanted from it and leaving the rest.

¶14. (S/NF) PM Maliki pointed to the lack of trust between the Kurds and Arabs. It was obvious that the Kurds had certain ambitions, he commented. He noted that while the Kurds had been allowed to create offices in Embassies, they had instead created their own Embassies flying the KRG flag and were issuing visas for entry by Arabs into the KRG. Maliki also noted that the KRG had overreached in Khanaqin and pointed to other indications of encroachment - citing KRG maps that often depicted borders far more expansive than the 19 March 2003 "green-line" established in the Constitution. Maliki mentioned that Barzani had previously said he did not believe in red, yellow or green lines. He reiterated that the Kurds

must abide by the Constitution.

¶15. (S/NF) Ambassador said that with respect to the Constitution, he had raised the issue of Article 143 with President Barzani. The Ambassador noted that Barzani's response was interesting, as it was essentially the same argument that PM had just made in reverse. Ambassador said that Barzani argued that GOI was selective in its application of the Constitution, specifically referring to Article 140 and the resolution of disputed areas. Barzani said that the GOI insisted on enforcement of Article 143, but was not willing to enforce Article 140.

¶16. (S/NF) PM Maliki said that his intent with regard to Article 140 was honest. He said that he had formed a committee to deal with Article 140, noting that the most influential persons on the committee were Kurds. Also, when the leaders of the committee were not Kurds, the Kurds had "bought them off" to support Kurdish aims. The committee was frozen and nothing was coming out of it, Maliki complained. The PM had told President Barzani that Article 140 was a complicated issue and was difficult to implement because of the procedures outlined in it. He further commented that Article 140 was poorly written as a result either of malign intentions or ignorance. He added that the Article was held up by the President's Council and not the Cabinet.

¶17. (S/NF) Maliki asserted that there needs to be an independent solution to Kirkuk and that perhaps it needed to be its own independent region. Maliki noted that if there was to be a conflict between the KRG and GOI, it would likely be sparked by Kirkuk. The Ambassador replied that it was for this reason that the PM and President Barzani had to discuss the nature and direction of the State. Maliki concurred but added the discussion should be on the basis of the Constitution.

¶18. (S/NF) General Odierno remarked that Maliki must consider how others would view the decisions and actions of Iraq with regard to these issues - whether they were solved politically or by conflict.

MINISTRY OF ELECTRICITY OPERATIONS/MAINTENANCE CONTRACT

¶19. (S/NF) The Ambassador thanked Maliki for his support in authorizing the Minister of Electricity (MOE) to sign the Parsons Brinckerhoff contract for maintenance of Iraq's electrical power generation system. The Ambassador added that he would appreciate it if he could now get the MOE to actually sign the contract, even if it required holding the Minister's hand. Maliki expressed frustration that the issue was not closed and added that the Council of Ministers had now given him signatory authority on all matters related to power generation and that perhaps he would have to sign the agreement himself.

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ELECTIONS LAW

¶20. (S/NF) With regard to the elections law, the Ambassador noted that on the same day he had traveled to Erbil to visit President Barzani, the COR had considered the United Nations Assistance Mission Iraq (UNAMI) compromise for paragraph 24 of the elections law. The Ambassador had pressed the Kurds and they had said they would accept it if it was not modified in any way by any other party. However, Arabs and Turkmen had come up with an amendment that the Kirkuk council would not be based on "fair and balanced representation" of each party but would be based on "equal" representation, e.g. 32/32/32/4. The Kurds could not agree to this arrangement. The question was then whether the arrangement would apply

before the elections were held or after. PM Maliki pointed out that the Kurds had changed their position on that point. The Ambassador said the important issue was to get the UNAMI language adopted as it had been drafted.

¶21. (S/NF) The Ambassador expressed his concern that we were 2/3 of the way through September and still did not have a new elections law. He urged PM to work to resolve the few remaining issues. The Ambassador underscored that the GOI and KRG should not attempt to resolve the Kirkuk issue through elections. This would derail any possibility of holding elections this year. The Ambassador stated they must address Kirkuk separately so that they could have a new elections law.
CROCKER